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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,726	06/27/2002	Edgar Wilhelm	WILHELM ET AL-1	4505

7590 01/07/2004

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1077 Northern Boulevard
Roslyn, NY 11576-1696

EXAMINER

GOETZ, JOHN S

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,726

Applicant(s)

WILHELM ET AL. *ch*

Examiner

John S. Goetz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment has been received and entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

3. The drawings were received on 10/27/03. These drawings were not in compliance with 37 C.F.R 1.121(d). Under 1.121(d), any change to the application drawings must be submitted on a separate paper showing the proposed changes in red for approval by the examiner. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfeld et al. (3,459,029 – hereinafter Rosenfeld) in view of Griebenow (3,750,618).
5. Rosenfeld discloses a crimping pliers comprising:
 - i. a fixed plier leg (44);
 - ii. a movable plier leg (46) coupled to the fixed leg;
 - iii. a curved body (25) with cams (26) and with an arm (22) that is parallel to the fixed leg (44);
 - iv. a pivoting plunger (28);
 - v. a plurality of crimping punches (32);
 - vi. an adjusting and setting device disposed on said fixed leg (44) comprising:
 - a. a threaded bush (74);

- b. a threaded spindle (72);
- c. a setting wheel (48);
- vii. wherein the curved body (25) is pivoted in relation to the plunger by rotating the spindle (Fig. 2 and column 4, lines 22-40);
- viii. wherein this pivoting permits precise adjustment of the punches.

Rosenfeld lacks only a second scale for the rough adjustment of the punches. Griebenow, however, in the art of adjusting tools, teaches a mechanism for both the rough and fine adjustment of tools very similar to the adjusting and setting device disclosed by Rosenfeld (see column 1, lines 5-11 and Fig. 3). Additionally, Griebenow states that such a device allows for the rapid set up and adjustment of the tool (column 1, lines 20-24) and that the device is simple in construction (column 2, lines 9-10). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Rosenfeld's crimping device with an adjustment mechanism that allowed for both fine and rough adjustments in order to easily and quickly adjust the tool, as suggested by Griebenow.

6. Regarding claim 5, Griebenow discloses a rough adjustment equal to 1 mm (column 4, line 66) and a fine adjustment of a hundredth of a millimeter (column 5, line 16). Thus, claim 5 is obvious for the same reasons as claim 4.

7. Regarding claim 6, it would have been an obvious matter of design choice to use a multi-component locator, since the applicant has disclosed that such a device is of "well known construction" and since the applicant has not shown that this feature solves any stated problem. Furthermore, it appears that the invention would perform equally well with only a single type of crimping die.

Response to Arguments

8. Applicant's arguments with respect to claim 4-6 have been considered but are moot in view of the new grounds of rejection. Arguments that could be applied to the rejections now applied, however, are addressed below.

9. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Goetz whose telephone number is 703-308-1411. The examiner can normally be reached on Mon, Tues, Thurs, Fri 7:00am-5:30pm.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on 703-308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3136.

JSG



**ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**